

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CACR08-617

JOSHUA DANIEL HALL

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered December 3, 2008

APPEAL FROM THE FAULKNER
COUNTY CIRCUIT COURT
[NO. CR-2003-274]

HONORABLE RHONDA WOOD,
JUDGE

AFFIRMED

JOHN MAUZY PITTMAN, Chief Judge

The appellant pled guilty to third-degree domestic battery in February 2004 and was placed on probation. A petition to revoke appellant's probation was filed in December 2007, alleging that he had violated the conditions of his probation by failing to report to his probation officer, failing to pay fines and fees, failing to comply with drug treatment, and by violating Arkansas law. After a hearing, the trial court found that appellant had violated the conditions of his probation and sentenced him to five years' imprisonment. On appeal, appellant contends that the evidence was insufficient to support the trial court's finding that he inexcusably violated the terms of his probation. We affirm.

Appellant does not argue that there is insufficient evidence to show that he committed the acts that he was alleged to have committed, but instead argues that the evidence was insufficient to show what the conditions of his probations were because the conditions of probation attached to his original judgment and commitment order did not bear his signature.

We do not agree. There is no statutory requirement that a probationer acknowledge in writing his receipt of the written conditions of probation, and an argument that the terms and conditions of probation were not introduced into evidence is a procedural one that is waived if not raised at the revocation hearing. *Whitener v. State*, 96 Ark. App. 354, 241 S.W.3d 779 (2006); *Nelson v. State*, 84 Ark. App. 373, 141 S.W.3d 900 (2004). Because appellant raises this argument for the first time on appeal, we do not address it. *Whitener v. State, supra*.

Affirmed.

HART and GRIFFEN, JJ., agree.